



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिला, मंगलवार, 23 अक्टूबर, 1962/1 कार्तिक, 1864

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 23rd October, 1962

No. 1-7/60-LR. II.—The East Punjab Moveable Property (Requisitioning) Act, 1947 (East Punjab Act XV of 1947), as extended by the Central Government under section 2 of the Union Territories (Laws) Act, 1950, to the Union Territory of Himachal Pradesh, *vide* Government of India, Ministry of Home Affairs notification No. 4/9/61-Judl.II-UTL-52, dated the 19th October, 1962, is hereby published in the Himachal Pradesh Administration Rajpatra for the information of the general public.

S. R. MAHANTAN,
Under Secretary (Judicial).

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi-11, the 19th October, 1962/27th Asvina, 1884

G.S.R. 1390 In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government

hereby extends to the Union Territory of Himachal Pradesh the East Punjab Moveable Property (Requisitioning) Act, 1947 (East Punjab Act XV of 1947), as at present in force in the State of Punjab, subject to the following modifications, namely:—

MODIFICATIONS

1. Throughout the Act,—

(a) unless otherwise specified, for the words "State Government", the words "Lieutenant Governor of Himachal Pradesh" shall be substituted and there shall also be made in any sentence in which those words occur, such consequential amendments as the rules of grammar require;

(b) for the words "Official Gazette", the words "Himachal Pradesh Gazette" shall be substituted.

2. In sub-section (2) of section 1, for the words "State of Punjab", the words "Union Territory of Himachal Pradesh" shall be substituted.

3. In sub-section (2) of section 3, for the words "State Government", the word "Government" shall be substituted.

4. In sub-section (3) of section 5, for the word "Government", the words "Lieutenant Governor of Himachal Pradesh" shall be substituted.

5. In section 7,—

(a) for the words "in the opinion of that Government", the words "in his opinion" shall be substituted;

(b) for the words "made by it", the words "made by him" shall be substituted.

6. In sub-section (2) of section 10, for the words "State Government", the word "Government" shall be substituted.

ANNEXURE

The East Punjab Moveable Property (Requisitioning) Act, 1947 as extended to the Union Territory of Himachal Pradesh
EAST PUNJAB ACT NO. XV OF 1947

An Act to provide for the requisitioning and acquisition of Moveable Property.
IT IS hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the East Punjab Moveable Property (Requisitioning) Act, 1947.

(2) It extends to the whole of the Union Territory of Himachal Pradesh.

(3) It shall come into force at once.

2. *Requisitioning of moveable property.*—(1) The Lieutenant Governor of Himachal Pradesh, if he considers it necessary or expedient so to do, may by order in writing requisition any moveable property and may make such further orders as may be necessary or expedient in connection with the requisitioning:

Provided that no property used for the purpose of religious worship and no aircraft or anything forming part of an aircraft or connected with the operation, repair or maintenance of aircraft, shall be requisitioned.

(2) Where the Lieutenant Governor of Himachal Pradesh, makes any order under sub-section (1), he may use or deal with the property in such manner as may appear to him to be expedient.

3. *Power to acquire requisitioned property.*—(1) The Lieutenant Governor of Himachal Pradesh may at any time acquire any moveable property requisitioned by him under section 2 by serving on the owner thereof or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the Himachal Pradesh Gazette, a notice stating that the said authority has decided to acquire it in pursuance of this section.

(2) Where a notice of acquisition is served on the owner of the property or published in the Himachal Pradesh Gazette under sub-section (1) then at the beginning of the day on which the notice is so served or published the property shall vest in the Government free from all encumbrances and the period of requisition thereof shall end.

4. *Payment of compensation.*—The owner of any moveable property requisitioned or acquired under this Act shall be paid such compensation as the Lieutenant Governor of Himachal Pradesh may determine.

5. *Release from requisition.*—(1) Where any property requisitioned under section 2 is to be released from requisition, the Lieutenant Governor of Himachal Pradesh may after making such inquiry, if any, as he considers necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Lieutenant Governor of Himachal Pradesh shall cause a notice declaring that the property is released from requisitioning to be published in the Himachal Pradesh Gazette.

(4) When a notice referred to under sub-section (3) is published in the Himachal Pradesh Gazette, the property specified in the notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

6. *Power to obtain information and to give directions.*—The Lieutenant Governor of Himachal Pradesh may, with a view to requisitioning or acquiring any property under section 2 or section 3 or determining the amount of compensation payable under section 4, by order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be specified;
- (b) direct that the owner or person in possession shall not without permission dispose of the property till the expiry of such period as may be specified in the order.

7. *Power to give effect to orders.*—The Lieutenant Governor of Himachal Pradesh may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with any order made by him under this Act.

8. *Delegation of functions.*—The Lieutenant Governor of Himachal Pradesh may by order notified in the Himachal Pradesh Gazette, direct that any power conferred or any duty imposed on him by this Act shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

9. *Offences and penalty.*—Whoever—

- (a) obstructs the Lieutenant Governor of Himachal Pradesh or any person authorised by him in the discharge of the functions under sub-section (2) of section 2 or section 7; or
- (b) fails to furnish any information required by order under clause (a) of section 6 or furnishes any information which is false or which

he either knows or has reasonable cause to believe to be false or does not believe to be true; or

(c) contravenes any direction given under clause (b) of section 6; shall on conviction for such offence by a competent Court be punishable with imprisonment for a term which may extend to one year or with fine or with both.

10: Protection of action under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act, or any order made thereunder, and no proceeding taken or order made under this Act, shall be called in question by any Court.

[No. 4/9/61-Judl. II-UTL-52]

P. N. KAUL,
Deputy Secretary to the Govt. of India.

HOME DEPARTMENT

NOTIFICATION

Simla-4, the 23rd October, 1962

No. 9-6/61-Home.—In exercise of the powers conferred by section 8 of the East Punjab Moveable Property (Requisitioning) Act, 1947 (East Punjab Act No. XV of 1947), the Lieutenant Governor, Himachal Pradesh, hereby directs that all powers conferred and all duties imposed on him under sections 2 and 5 of the said Act, and under sections 4, 6 and 7 of the said Act, in so far as they relate to or arise out of or from any act concerning requisitioning of moveable property, shall be exercised or discharged, as the case may be, by all Deputy Commissioners in Himachal Pradesh within the limits of their respective Districts with effect from the date of this notification.

By order,
O. N. MISRA,
Chief Secretary.